

AMENDMENT

IN THE CLAIMS

Please amend the claims as indicated in Appendix A submitted herewith according to 37 C.F.R. § 1.121 concerning a manner for making claim amendments.

REMARKS

Claims 1-4, 8 and 17-61 are presently pending in the captioned application. Subsequent to the enclosed amendment, claims 1-4 and 17-20 are currently amended with claim 61 being canceled without disclaimer or prejudice. Claims 5-7 and 9-16 have been previously canceled and claims 21-28 previously presented. Claims 8 and 29-60 have been withdrawn from consideration.

The Examiner indicated that claims 1-4 and 17-28 would be allowable provided that the outstanding objection and § 112, ¶ 2nd paragraph rejections are overcome. Applicants acknowledge that indication with appreciation and have amended the relevant claims 1-4 and 17-20 to overcome the objections and rejections. Hence, the application is in condition for allowance.

In particular, independent claims 1-4 have been amended to delete the phrase "and/or it's derivatives". Dependant claims

17-20 have also been amended to remove the phrase "and/or it's derivatives". Claim 61 was canceled pursuant to the Office Action's assertion that the subject matter of the claim is drawn to non-elected subject matter.

Claims 1-4 have also been amended to delete the parentheses from the claims in response to the objection.

No new matter within the meaning of § 132 has been added by any of the amendments.

Accordingly, Applicants respectfully request the Examiner to enter the claim amendments, reconsider and withdraw the rejections and allow all claims pending in this application in view of the following remarks.

1. Claim Objections

The Office Action objects to claims 1-4 as to informalities for containing parentheses enclosing the phrase "where z is 0, 1 or 2". The Office Action asserts that this phrase is not necessarily needed in the claim and suggests that the parentheses be removed.

Applicants respectfully traverse the objection because the phrase "where z is 0, 1 or 2" is required by the claim because

the variable "z" is a part of the formula $-S(O)_z-$. However, since the Office Action's suggestion to remove just the parentheses does not affect the claimed subject matter, Applicants have deleted the parentheses from claims 1-4.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding objections.

1. Rejection of Claims 1-4
under 35 U.S.C. § 112, ¶ 2

The Office Action rejects claims 1-4 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Office Action states:

The term "sialic acid and/or its derivatives" in claims 1,2,3,4,17-20,22-25, is a term which renders the claims indefinite. This term is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. . . .

Applicants respectfully traverse the rejection. However, for the sole purpose of advancing prosecution wherein the amendment is in no way related to a substantial question of

patentability, Applicants have amended claims 1-4 to delete the phrase "and/or it's derivatives".

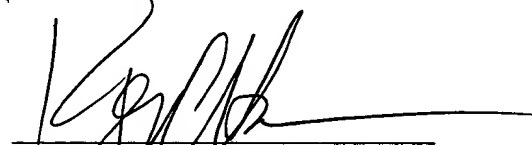
Accordingly, Applicants respectfully submit that all the presently pending claims particularly point out and distinctly claim the subject matter of the invention and request that the Examiner reconsider and withdraw the rejection under § 112, ¶ 2.

CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection of the pending claims and allow the pending claims. Favorable action with an early allowance of the claims pending is earnestly solicited.

Respectfully submitted,

SHERMAN AND SHALLOWAY



Attorney for Applicants
Roger C. Hahn
Reg. No. 46,376

SHERMAN AND SHALLOWAY
413 N. Washington Street
Alexandria, Virginia 22314
703-549-2282